

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - SW/S Bowleys Quarters Road, 25' S of the c/l of Edwards Lane (400 Bowleys Quarters Road) 15th Election District 5th Councilmanic District Martin Bowleys Partnership Petitioners

\* BEFORE THE \* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY \* Case No. 94-200-XA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and a Petition for Variance for that property known as 400 Bowleys Quarters Road. The Petitions were filed by the owners of the property, Martin Bowleys Partnership, by Vana E. Martin and Larry H. Martin, Partners, and Dewane Wilmoth, the Contract Purchaser. The Petitioners seek a special exception to permit the use of the subject property, zoned B.L., as a boat yard, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.8.A.4 to permit existing parking spaces to be located 0 feet from the street right-of-way in lieu of the required 10 feet, from Section 409.4.B. to permit parking with direct access to a street in lieu of an aisle, and from Section 232.2.b (as amended) to permit a boat yard use area (storage) side setback of 0 feet in lieu of the required 10 feet, all as more particularly described on Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Larry H. Martin, a Partner, and Wilbur L. Duvall, Professional Engineer. The Petitioners were represented by Frank Borgerding, Esquire. It is to be noted that the Petition was originally filed with a Contract Purchaser/Lessee, Dewane Wilmoth. However, at the hearing the Petitioners advised me that they wished to strike the name of the Contract Purchaser/Lessee from the

Petition and to proceed on their own. Mr. Robert J. Palmer, a resident of the area, appeared in opposition to the request.

Testimony indicated that the subject property, known as 400 Bowleys Quarters Road, consists of a gross area of 0.86 acres, more or less, zoned B.L. and is the site of an existing one-story marina supply store. This property is located within the Chesapeake Bay Critical Areas. The Petitioners are desirous of developing the property with a boat yard storage and maintenance facility in accordance with Petitioner's Exhibit 3. On behalf of the Partnership, Mr. Larry Martin testified that the current retail operation has existed on the property for the past several years. He testified that his family purchased the subject property in 1987 and that he has been familiar with the site since 1985. Mr. Martin stated that this area of Baltimore County has a tremendous amount of marina uses associated with it, and that at one time, he operated a Sail Loft from the subject site. The Petitioners now seek to operate a boat repair facility on the site and as such, a special exception is necessary due to the proposed change in the use of the property. Mr. Martin testified that due to the number of marinas in the area, there is a need for a boat repair facility at this location. He testified that the site would be utilized primarily for marine engine repairs and boats would only be stored on the site for so long as necessary to complete repairs. He further testified that there would be no fiberglass or other body repair work performed on the premises. Mr. Martin agreed to limit the number of boats permitted to be stored on the site at any time to six (6). He also agreed to restrict the hours of operation to Monday through Saturday, from 8:00 AM to 8:00 PM, and to fence in the area where the storage of boats would take place in

such a manner that would screen the property from the view of passing motorists.

Mr. Wilbur Duvall testified on behalf of the Petitioners as to the requested variances. He testified that the variances associated with the parking area are for the existing parking spaces along Bowleys Quarters Road. These spaces are associated with the retail use which has existed on the property for many years. He testified that these parking variances are necessary in order to bring the property into compliance with current zoning regulations and to allow the retail use to continue to operate as it has in the past. Mr. Duvall further testified that the variance requested from Section 232.2.b to permit a boat yard use area side setback of 0 feet in lieu of the minimum required 10 feet is for the proposed storage area. This variance is necessary by virtue of the requested special exception for a boat yard use on the property.

Mr. Robert J. Palmer, appeared and testified in opposition to the request. Mr. Palmer is a resident of the surrounding community and is associated with the Marine Trades Association. Mr. Palmer testified that during this past summer, a boat repair operation was already taking place on the subject property. Mr. Palmer does not believe that the use proposed on this site is appropriate, given the small size of the lot and the small storage area to be provided for this use. Mr. Palmer further testified that the existing facility is located directly on Edwards Lane and would cause severe traffic problems for individuals trailering their boats to the site for engine repair. He stated that on one occasion this past summer, a boat and trailer were disabled on Edwards Lane, which caused a great deal of traffic congestion in the area. Mr. Palmer pointed out that Edwards Lane is the road that serves Conrads Ruth Villa, which is a popular

waterfront park facility which during the summer months, has a tremendous amount of traffic associated with its use for company picnics, political fundraisers, and other types of activities. In fact, Edwards Lane is the only access to Conrads Ruth Villa. It is very common for Baltimore County Police to direct traffic at Edwards Lane and Bowleys Quarters Road when those special events end.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. However, it must be determined if the conditions delineated in Section 502.1 of the B.C.Z.R. are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In the opinion of this Deputy Zoning Commissioner, the subject property is too small to accommodate a boat yard. Furthermore, Edwards Lane is a heavily travelled road in the summer months by boaters accessing the various marinas located along Edwards Lane, and patrons of Conrads Ruth Villa. It should also be noted that this Office received a letter of opposition from the Board of Directors of the Bowleys Quarters Improvement Association, citing the potential adverse impact on the general health, safety and welfare of the surrounding community. The Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. After reviewing all of the testimony and evidence presented, it appears that the special exception should be denied.

As to the variances requested, the relief sought for existing parking conditions shall be granted in that the marina supply store has existed on the property for many years without any complaints about the

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

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Date 12/29/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

parking spaces along Bowleys Quarters Road. However, the requested variance for the boat yard storage area setback shall be denied inasmuch as the special exception for a boat yard use on the subject property has been denied. Therefore, the relief requested in the Petition for Variance shall be granted in part and denied in part.

As noted above, this property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with Critical Areas legislation as to any future development on this site. The requisite findings plan has been submitted to the Department of Environmental Protection and Resource Management (DEPRM) for their review and consideration of both existing and proposed improvements. As of the date of this Order, DEPRM had not completed its review. Therefore, the granting of any relief in this matter is conditioned upon the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested shall be granted in part and denied in part.

THEFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of December, 1993 that the Petition for Special Exception to permit the use of the subject property, zoned B.L., as a boat yard, in accordance with Petitioner's Exhibit 3, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 232.2b (as amended) to permit a boat yard use area (storage) side setback of 0 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 3, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.8.A.4 to permit existing parking spaces to be located 0 feet from the street right-of-way in lieu of the required 10 feet and from Section 409.4.B. to permit parking with direct access to a street in lieu of an aisle, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with any recommendations made by DEPRM upon completion of their review.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TNK:bjjs

*Timothy N. Kotroco*  
TIMOTHY N. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204  
December 20, 1993  
(410) 887-4386

Mr. Larry H. Martin  
Ms. Vana E. Martin  
1101 Langley Lane  
McLean, Virginia 22101

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
SW/S Bowleys Quarters Road, 25' S of the c/l of Edwards Lane  
(400 Bowleys Quarters Road)  
15th Election District - 5th Councilmanic District  
Martin Bowleys Partnership - Petitioners  
Case No. 94-200-XA

Dear Mr. Martin & Ms. Martin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied and the Petition for Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy N. Kotroco*  
TIMOTHY N. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TNK:bjjs

cc: Mr. Robert J. Palmer  
412 Armstrong Road, Baltimore, Md. 21220

Mr. Wilbur Duvall  
530 E. Joppa Road, Towson, Md. 21286  
Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401  
People's Counsel; File

## Petition for Special Exception AND PETITION FOR VARIANCE to the Zoning Commissioner of Baltimore County

for the property located at 400 Bowleys Quarters Road  
94-200-XA which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Section 409.8.A.4, to permit parking spaces 0' to the street right-of-way in lieu of 10'; Section 409.4.B. to permit parking with direct access to a street in lieu of an aisle; and Section 232.2.b to permit a 0' boat yard use area (storage) side setback in lieu of 10'; and to permit a boat yard in the B.L. zone.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Deputy Zoning Commissioner:  
Dewane Wilmoth  
Martin Bowleys Partnership  
Vana E. Martin, Partner  
Larry H. Martin, Partner  
400 Bowleys Quarters Road  
Baltimore, Maryland 21220

1101 Langley Lane (703) 821-0707  
McLean, Virginia 22101  
W. Duvall & Associates, Inc.  
530 East Joppa Road (410) 583-9571  
Towson, Maryland 21286

The following date: 12/29/93  
Date: 12/29/93  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/93  
By [Signature]

# W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

ZONING DESCRIPTION  
400 BOWLEYS QUARTERS ROAD  
15th ELECTION DISTRICT 5th CONGRESSIONAL DISTRICT  
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point South 28 degrees West 54 feet, more or less, from the centerline intersection of Bowleys Quarters Road, 70 feet right of way, and Edwards Lane, 50 feet right of way; thence

- 1) South 55 degrees 44 minutes 30 seconds West 150.85 feet; thence
- 2) South 61 degrees 44 minutes 30 seconds West 118.57 feet; thence
- 3) South 29 degrees 01 minutes 30 seconds East 91.18 feet; thence
- 4) North 58 degrees 50 minutes 00 seconds East 295.79; thence
- 5) By a curve to the left having a radius of 1575.90 feet and an arc length of 84.72 feet; thence
- 6) South 79 degrees 15 minutes 30 seconds West 14 feet to the point of beginning.

CONTAINING 26,100 square feet or 0.60 acre of land, more or less.



530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 10th Date of Posting: 11/22/93  
Posted for: Special Exception to Varnum  
Petitioner: Martin Bowleys Partnership - 400 Bowleys Quarters Rd  
Location of property: 400 Bowleys Quarters Rd, P.O. Box 100, Towson, MD 21204  
Location of Sign: Along Bowleys Quarters Rd, near intersection with 10th Ave  
Remarks: None  
Posted by: [Signature] Date of return: 11/26/93  
Number of Signs: 2

## CERTIFICATE OF PUBLICATION

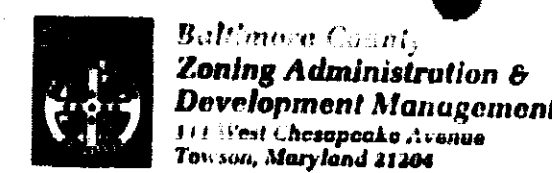
TOWSON, MD. Nov 25, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 25, 1993

THE JEFFERSONIAN,

A. Henrichsen  
LEGAL ADVERTISER

**NOTICE OF HEARING**  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
CASE NUMBER: 94-200-2A (Item 200)  
400 Bowleys Quarters Lane  
300 Bowleys Quarters Lane, 25' S of c/o Edwards Lane  
15th Election District - 5th Congressional  
Legal Owner: Martin Bowleys Partnership  
Contract Purchaser: Dennis Wilmeth  
HEARING: FRIDAY, DECEMBER 10, 1993 at 10:00 a.m. in Rm. 106, County Office Building.  
Special Exception to permit a boat yard.  
Variance to permit parking spaces zero feet to the street right-of-way in line of 10 feet; to permit parking with direct access to a street in line of an alley; and to permit a zero foot boat yard use area (storage) side setback in line of 10 feet.  
Arnold Jablon  
Director  
cc: Martin Bowleys Partnership  
W. Duvall & Associates, Inc.  
Dennis Wilmeth  
NOTES: (1) HEARING IS HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(2) HEARING IS HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3353.



Date: 11/19/93 94-200-XA  
Martin Bowleys Partnership - 400 Bowleys Quarters Rd  
#020-Varnum — \$250.00  
#050-Sp Exception — \$300.00  
#080-2 signs — \$70.00  
Total — \$620.00  
Account: R-001-6186  
Number: Item # 200  
Taken In By: YMK  
CRITICAL  
DIA0180072MCHRC  
SA C010133AM11-09-93  
Please Make Checks Payable To: Baltimore County  
Cashier Validation  
\$620.00

receipt

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 867-3353

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 200  
Petitioner: Martin Bowleys Partnership  
Location: 400 Bowleys Quarters Rd  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Martin Bowleys Partnership  
ADDRESS: 1101 Langley Lane  
McLean, Virginia 22101  
PHONE NUMBER: (703) 241-2207

At: ggs (Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY  
11/25/93 Issue - Jeffersonian

Please forward billing to:

Martin Bowleys Partnership  
1101 Langley Lane  
McLean, VA 22101  
703-821-0707

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-200-2A (Item 200)  
400 Bowleys Quarters Lane  
300 Bowleys Quarters Lane, 25' S of c/o Edwards Lane  
15th Election District - 5th Congressional  
Legal Owner: Martin Bowleys Partnership  
Contract Purchaser: Dennis Wilmeth  
HEARING: FRIDAY, DECEMBER 10, 1993 at 10:00 a.m. in Rm. 106, County Office Building.

Special Exception to permit a boat yard.  
Variance to permit parking spaces zero feet to the street right-of-way in line of 10 feet; to permit parking with direct access to a street in line of an alley; and to permit a zero foot boat yard use area (storage) side setback in line of 10 feet.

LAMBERT E. SCHWED  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARING IS HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 867-3353

## NOTICE OF HEARING

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Variance to permit parking spaces zero feet to the street right-of-way in line of 10 feet; to permit parking with direct access to a street in line of an alley; and to permit a zero foot boat yard use area (storage) side setback in line of 10 feet.

[Signature]  
Arnold Jablon  
Director

cc: Martin Bowleys Partnership  
W. Duvall & Associates, Inc.  
Dennis Wilmeth

NOTES: (1) HEARING IS HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(2) HEARING IS HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 867-3353

November 30, 1993

Mr. and Mrs. Larry H. Martin  
Martin Bowleys Partnership  
1101 Langley Lane  
McLean, Virginia 22101

RE: Case No. 94-200-A, Item No. 200  
Petitioner: Martin Bowleys Partnership  
Petitions for Special Hearing and Variance

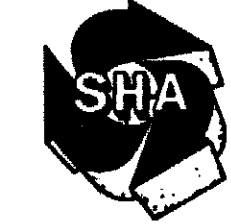
Dear Mr. and Mrs. Martin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 9, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation  
State Highway Administration

O James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 94-200 (195K)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
[Signature]  
for DAVID N. RADEY, ACTING CHIEF  
John Costabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21208



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: December 8, 1993

FROM: Robert W. Bowling, Senior Engineer  
Development Plan Review Section

RE: Zoning Advisory Committee Meeting  
for November 29, 1993  
Item No. 200

The Development Plan Review Section has reviewed the subject zoning item. Although the parking layout has been existing for some time, it is strongly recommended that the requested variance for the parking be denied. To avoid potential dangerous situations from the existing parking, it is suggested that onsite parking be provided.

RWB:s



Bowleys Quarters Improvement Association  
Rt. Box 18851  
Baltimore, Maryland 21220  
301-335-9802

December 9, 1993

Mr. Lawrence Schmidt  
Baltimore County Zoning Office  
Baltimore County Office Building  
Room 111  
Towson, Maryland 21204

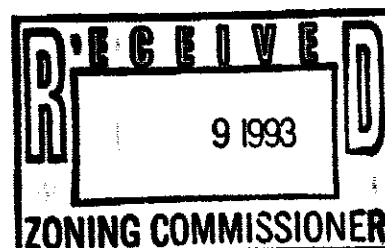
RE: Case #C-93-2078 (Baltimore County vs. Vanna E. Martin)  
400 Bowleys Quarters Road  
15th. Election District  
Baltimore County, Maryland 21220

Dear Mr. Schmidt,

The Board of Directors of the Bowleys Quarters Improvement Association, Inc. has voted to take the position to oppose any changes to the existing zoning at the subject location due to the impact on the general health, safety, and welfare of the residents of our community.

For the Bowleys Quarters Improvement Association, Inc.,

H. Andrew Jones  
H. Andrew Jones  
Secretary



Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

December 21, 1993

(410) 887-3353

Mr. and Mrs. Larry H. Martin  
Martin Bowleys Partnership  
1101 Langley Lane  
McLean, Virginia 22101

RR: Case No. 94-200, Item No. 200  
Petitions for Special Hearing and Variance  
400 Bowleys Quarters Road

Dear Mr. and Mrs. Martin:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on December 20, 1993 for the above-referenced case.

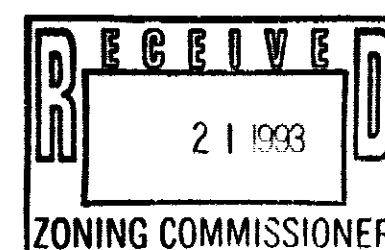
If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton  
Charlotte Minton

Enclosure

c: Dewane Wilmoth

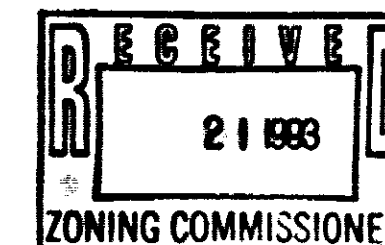


BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management  
DATE: December 17, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 200  
Martin Bowley's Partnership Property  
Chesapeake Bay Critical Area Findings



SITE LOCATION

The subject property is located at 400 Bowley's Quarters Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Vanna E. & Larry H. Martin

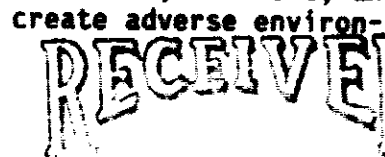
APPLICANT PROPOSAL

The applicant has requested a variance from section 409.8.A.4. of the Baltimore County Zoning Regulations to permit parking spaces 0' to the street right-of-way in lieu of 10'. Section 409.4.B. to permit parking with direct access to a street in lieu of an aisle; and Section 232.6 to permit a 0' boat yard use area (storage) side setback in lieu of 10' and to permit a boat yard in the BL zone.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>



ZADM

Mr. Arnold E. Jablon  
December 17, 1993  
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This property is located approximately 700' from the tidal waters of Frog Mortar Creek. Therefore, no disturbance of the 100' buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Program" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: Current impervious areas total approximately 5,940 square feet or 23% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces.

Policy: "If permitted development on a property currently exceeds the 15% impervious surface limit, that percentage may be maintained during redevelopment of the property" <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>.

4. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Finding: No new development is proposed at this time. Therefore stormwater management is not required.

Mr. Arnold E. Jablon  
December 17, 1993  
Page 3

5. Regulation: "For the alteration of forest or developed woodlands as delineated on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs:

(1) No more than 20% of the sum of all forest and developed woodland may be cleared, and this shall be replaced by afforestation on a 1:1 acreage basis. An additional 10% of the forest or developed woodland may be cleared provided in such case, however, that every acre of forest or developed woodland cleared shall be replaced by 1.5 acres of afforestation.

(2) Forest or developed woodland cleared in LDAs shall be replaced in LDAs, LDAs, R.C. 20, or R.C. 50 Zones. Forest or developed woodland removed in the R.C. 20 or R.C. 50 Zones shall be replaced only in R.C. 20 or R.C. 50 Zones.

(3) The forest or developed woodland cleared shall be replaced according to an approved forest establishment plan. If the configuration of the site precludes on-site replacement, it is the applicant's responsibility to secure an off-site area suitable for afforestation and in compliance with d(1) and d(2) preceding. If an appropriate off-site area cannot be located or secured, the County will allow the applicant to pay a fee-in-lieu" <Baltimore County Code, Section 26-453(c)>.

Finding: No development is proposed at this time, therefore no designated forest or developed woodland will be cleared.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3880.

J. James Dieter, Director  
Department of Environmental Protection  
and Resource Management

JJD:RRE:jha

cc: Martin Bowley's Partnership  
1101 Langley Lane  
McLean, VA 22101

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

December 9, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilsbury  
Development Coordinator, DEPRM

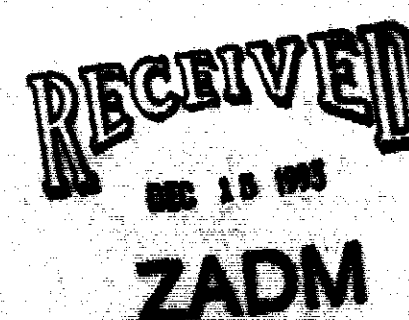
SUBJECT: Zoning Item #200 - Martin Bowleys Partnership  
400 Bowleys Quarters Road  
Zoning Advisory Committee Meeting of November 22, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant may contact the Environmental Impact Review Section at 887-3880 for details.

JLP:KLL:sp

MARTIN/DEPRM/7/13/93



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: November 29, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 200, 202, 204, 205, 206, 207, 208, 209, 210, 213, 216 and 217.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long  
Division Chief: Cheryl L. Peters

PK/JL:lw

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME  
Robert J. Palmer

ADDRESS  
412 ARMSTRONG RD  
BALTIMORE MD 21230  
410.335-7000

PLEASE PRINT CLEARLY

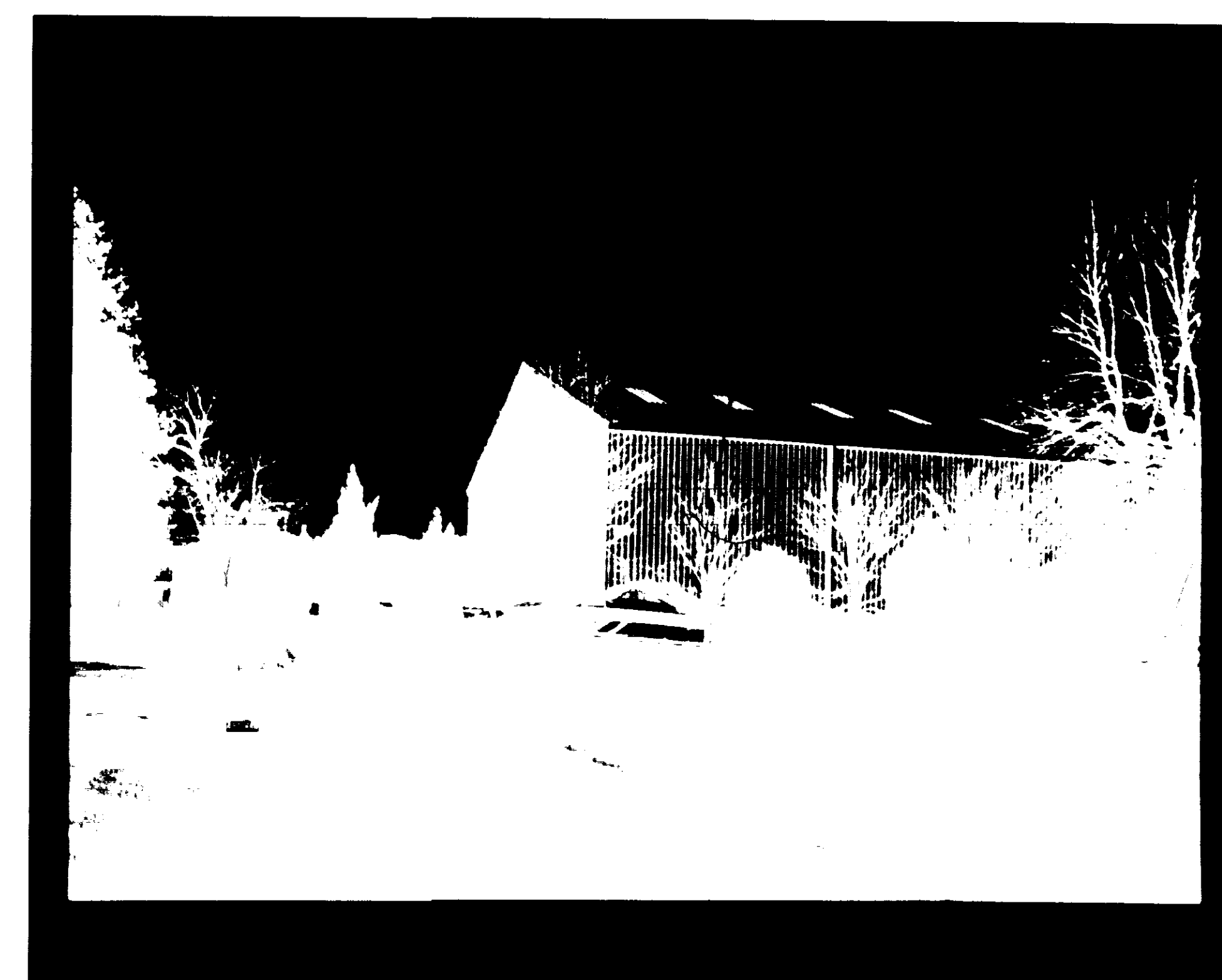
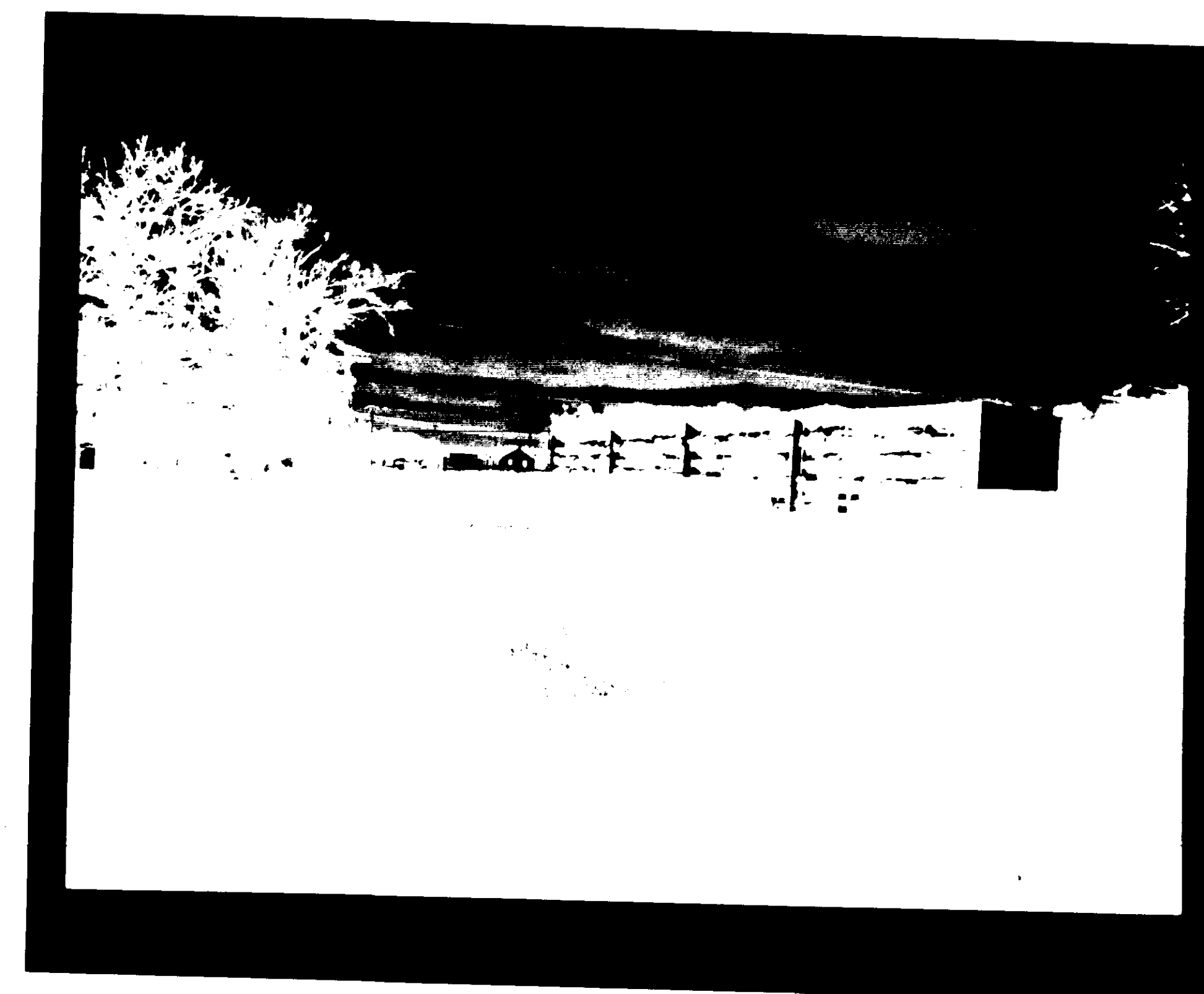
**PETITIONER(S) SIGN-IN SHEET**

NAME  
LARRY H. MARTIN

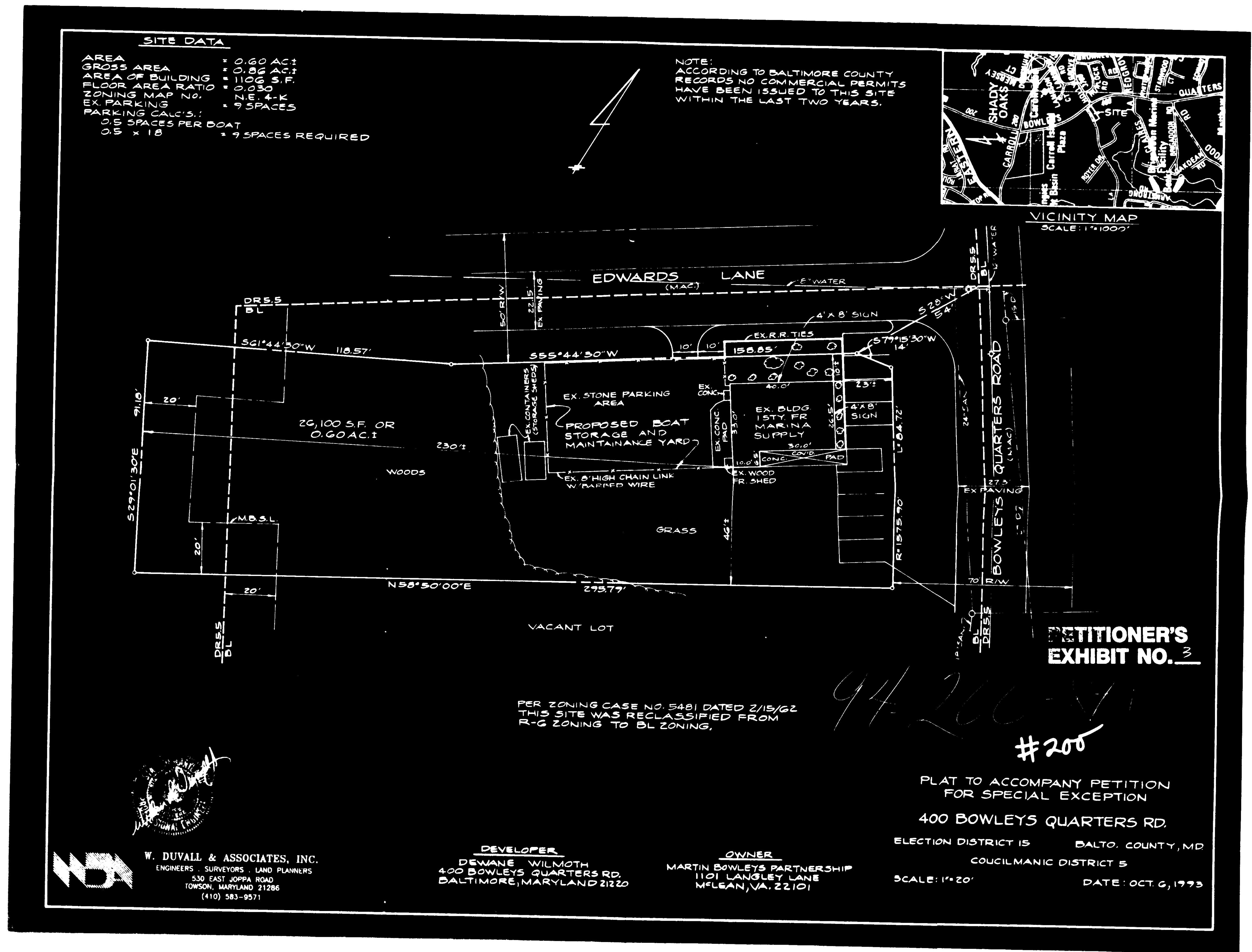
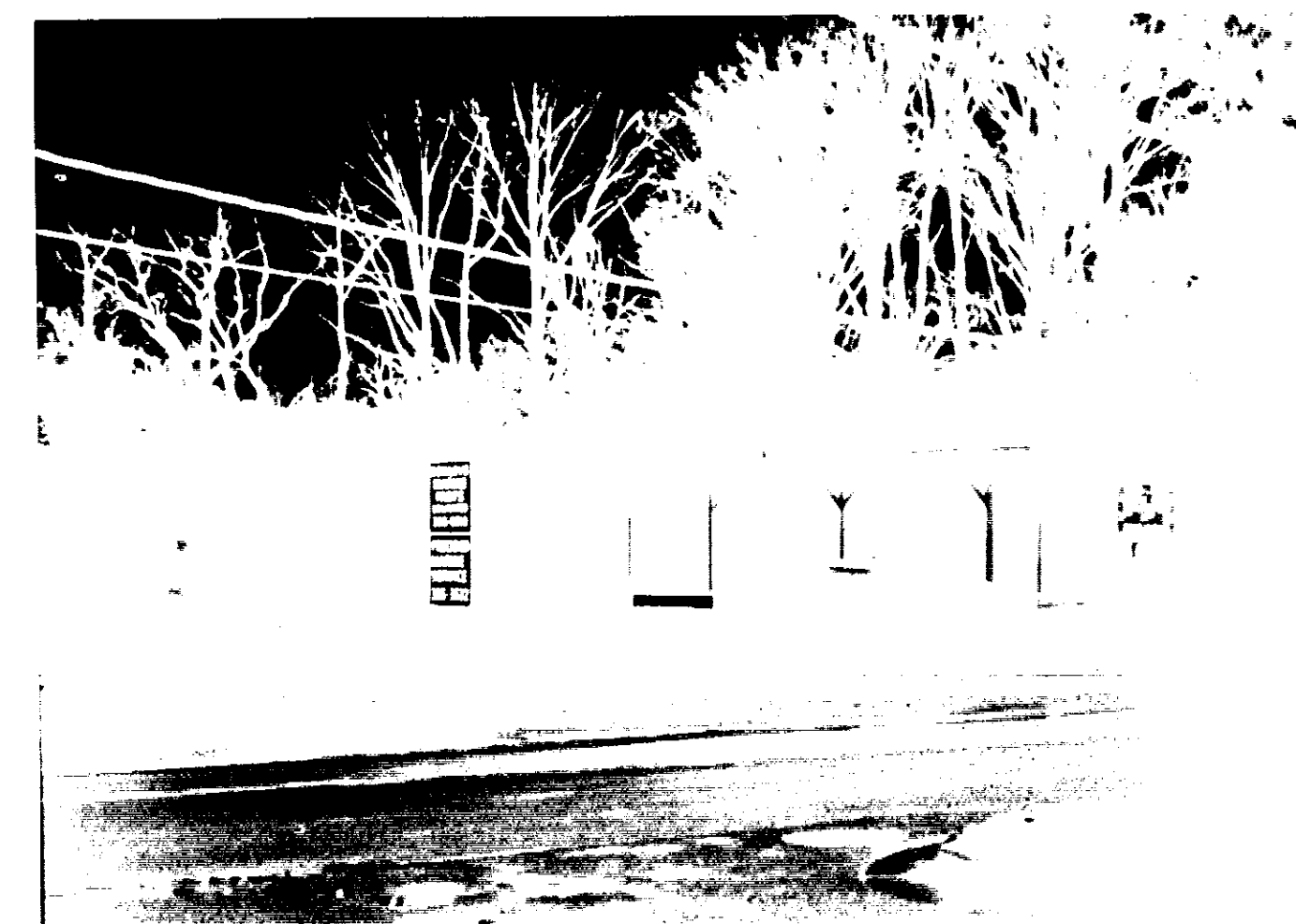
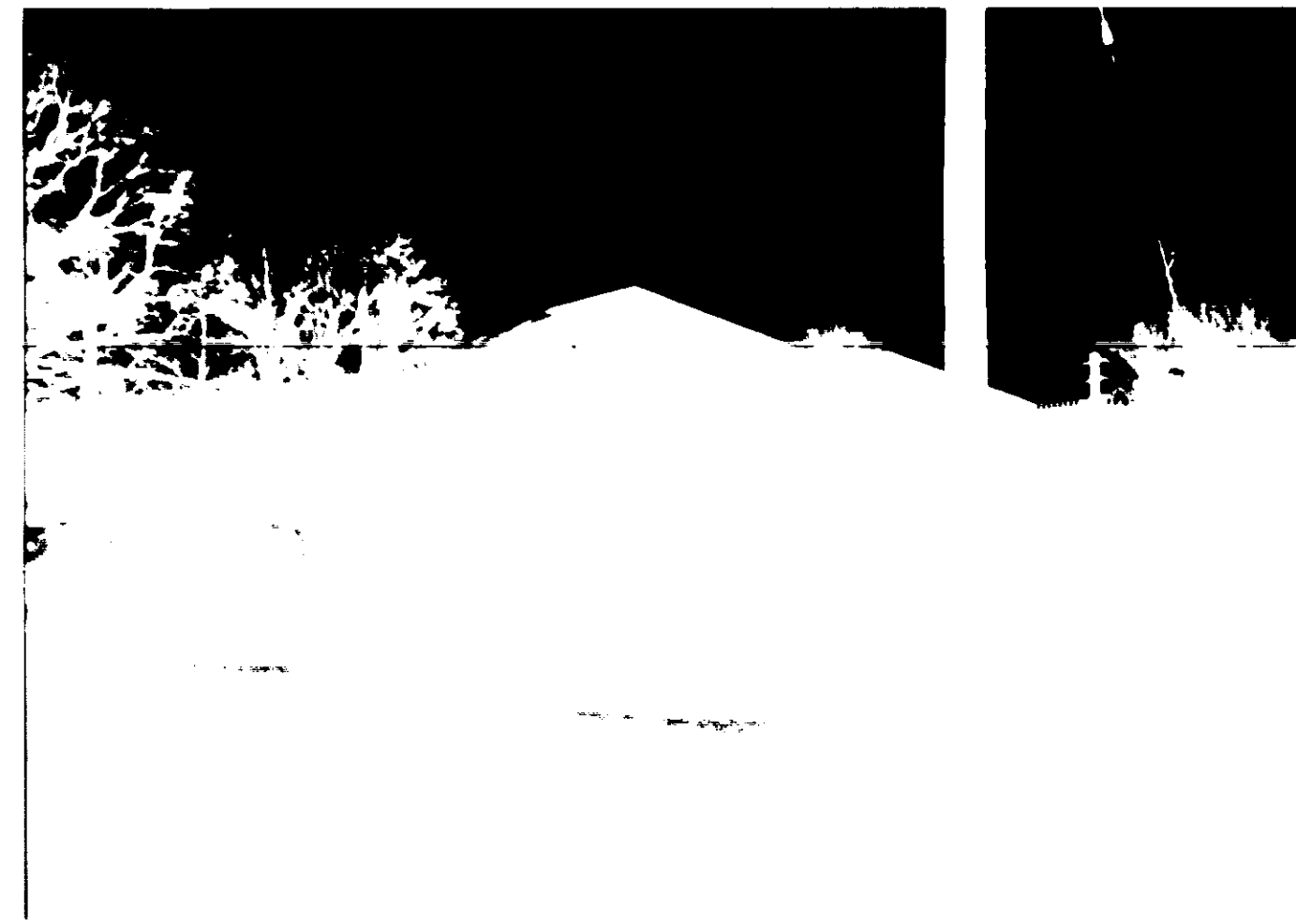
ADDRESS  
109 Old Crossing Lane, Annapolis, Md.  
21401

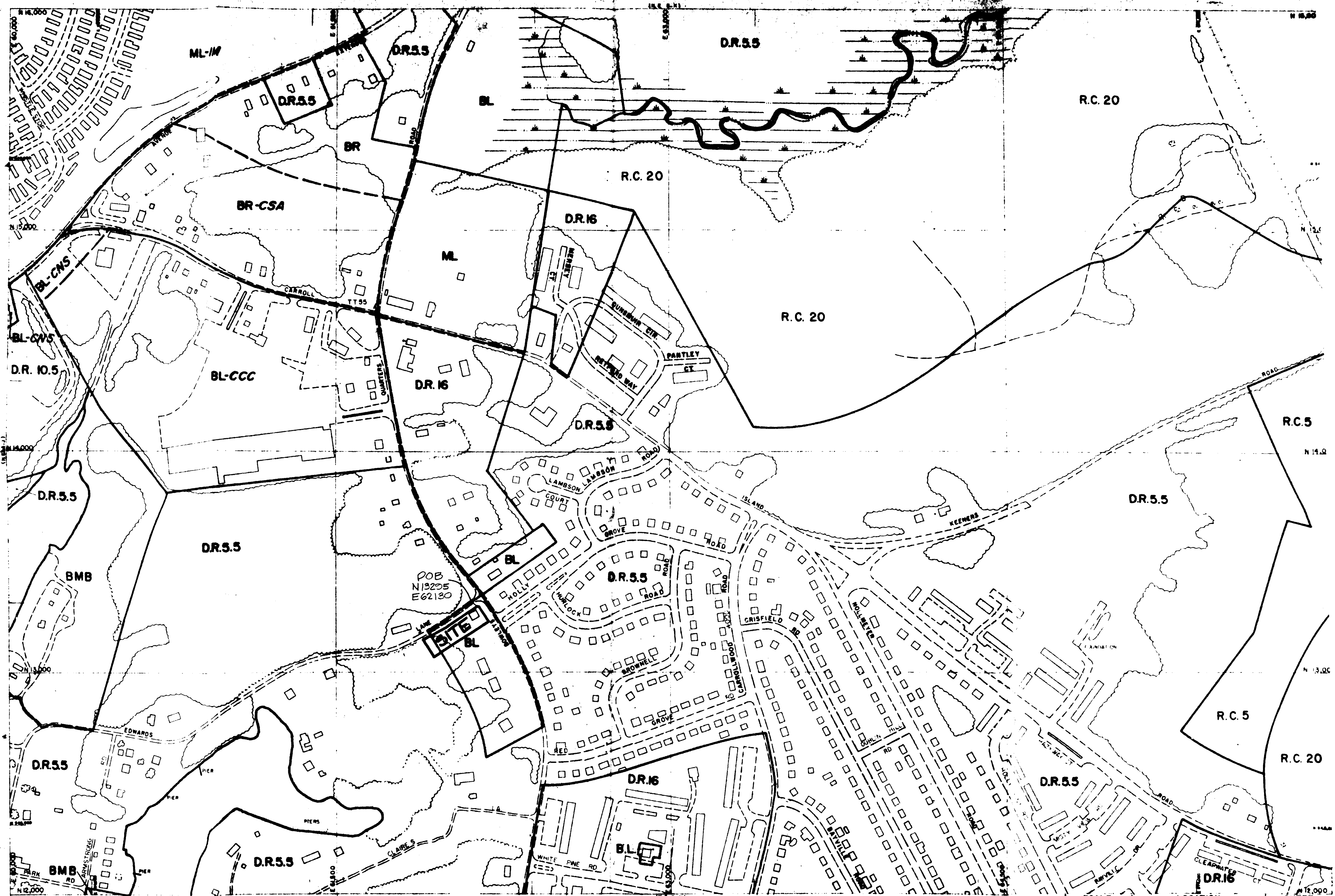
VANA MATIN

1101 Langley Ln. McLean, VA  
21220









1-NE Z-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1993 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1993

*William J. Hunter*  
Chairman, County Council

SCALE  
1" = 200'  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
BENGIES  
BOWLEYS  
QUARTERS

SHEET  
N.E.  
4-K

94-200-7A #200